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# POSITION PAPER

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## SPOUSE SUPPORT

In order to better support the military service member, it is essential to also support the family. When the member is deployed, it is often the military spouse who shares a greater burden of managing the family.

### Requested Action

**The Reserve Officers Association urges Congress to repeal the law that reduces military Survivor Benefit Plan (SBP) annuities by the amount paid to survivors under the VA Dependency and Indemnity Compensation (DIC) program.**

**ROA also urges Congress to provide employment protection for spouses and providers who assume support of family members of mobilized Reserve and National Guard members; and to not allow employers to penalize employees who are spouses or children of a deploying military member or deny them the opportunity to use leave before, during, or following the deployment of that member.**

### SBP/DIC

*Discussion:* Under current law, the surviving spouse of a retired military member who dies from a service connected disability is entitled to Dependency and Indemnity Compensation (DIC) from the Veteran's Administration. If the military retiree was also enrolled in the Survivor Benefit Plan (SBP), the surviving spouse's benefits are offset by the amount of DIC. A pro-rated share of SBP premiums is refunded to the widow upon the member's death in a lump sum, with no interest.

Further, the Military Pay Regulation (DoD 7000.14-R) stipulates that when a claim for DIC is not filed by the surviving spouse within one year after the military member's death and the surviving spouse receives an SBP annuity, no refund of SBP costs is made if DIC is awarded later.

SBP and DIC benefits are paid for different reasons. SBP can be elected and purchased by any military retiree following a career of service and is intended to provide a portion of earned retired pay to the survivor. DIC payments represent special compensation to a survivor whose sponsor's death was caused directly by his or her uniformed service. In principle, this is a government payment for indemnity or damages that caused the premature loss of life of a member, to the extent a price can be set on human life. These payments should be additive to any military SBP annuity purchased by the retiree—not substituted for them.

**Special Survivor Indemnity Allowance (SSIA)** is viewed as inadequate by ROA.

As a result of Public Laws 110-181 and 111-31, effective 1 Oct 08 and 22 Jun 09, respectively, surviving spouses whose SBP payments have been offset (partially or totally) as a result of receiving DIC, including surviving spouses of members who died while serving on active duty, are eligible for the SSIA.

[over]

SSIA Monthly payments are taxable and will be paid as follows:

1 Oct 12 thru 30 Sep 13 - \$90  
1 Oct 13 thru 30 Sep 14 - \$150  
1 Oct 14 thru 30 Sep 15 - \$200

1 Oct 15 thru 30 Sep 16 - \$275  
1 Oct 16 thru 30 Sep 17 - \$310  
SSIA payments terminate in 1 Oct 2017.

ROA does not support increasing SBP premiums to current participants, and reducing annuity payments to future survivors as a means to pay for the removal of the offset.

## **Employment Protection**

*Discussion:* ROA continues to learn from its membership of problems they or their spouse have encountered with employers. Feedback tells us that as a military member prepares to deploy, the family needs a certain amount of time away from work to help in preparations, and later flexibility when managing the family. They should not have to do so under fear of losing their jobs.

Spouse employees encountered problems with flexibility to care for children, inability to travel for work and even inability to find work. Many feared for their jobs. We have even been notified of spouses who had to move from their residences, usually for economic reasons. Finally, we know there have been instances where providers had to leave their jobs to help raise the dependent children of a deployed service member.

*Background:* According to the 2008 Rand study on the Deployment Experience of Guard and Reserve Families, eight percent of spouses mentioned employment problems. This is particularly notable because roughly half of those interviewed reported that their spouse's employment made either a moderate or major contribution toward the family's monthly household income. The study identified problems with the spouses' employment, such as employers that would not or could not accommodate the needs of spouses during the deployment.

During the 2009 National Leadership Summit on Military Families, spouses and those that support the military family cited difficulty for spouses to attain re-certification and licensing when they move to different states or overseas due to a service member's obligations.

## **Deployment and Convalescence Leave**

*Discussion:* Anecdotally, ROA was told by its membership of instances where employers denied leave or change to work schedules so the spouse could make life adjustments due to a service member's deployment. It should be reasonable to allow families time to make the necessary adjustments to their lives when a military spouse is mobilized or returns from deployment.

*Background:* According to the 2008 Active Duty Spouse Survey, 44 percent of spouses report coping with each subsequent deployment becomes more difficult. As deployments continue, stress and resulting tribulations are on the rise.

